

**REMARKS**

Please reconsider this application in view of the above amendments and the following remarks.

- Claims 2-4, 10, 12, 18-20, and 24-26 are pending.
- Claims 2-4, 10, 12, 18-20, and 24-26 are rejected.

Applicant has amended Claim 10 to correct a misspelling

The Examiner has finally rejected the outstanding claims, but has not responded to Applicant's arguments regarding the appropriateness of these rejections. Furthermore, in the previous response, Applicant further limited the claims to distinguish them from the prior art. Yet the Examiner has failed to even acknowledge the amendment. This falls far short of the record making responsibilities laid on the U.S. Patent and Trademark Office by the Administrative Procedure Act and also falls short of the Examining Guidelines mandated by the MPEP.

Applicant requests that this shortcoming in the record be rectified and that a new "Final" Office Action be issued.

Furthermore, Applicant requests a telephonic interview with the Examiner and the Examiner's Supervisor before this case is acted on. The appropriate form for making this is enclosed with this response.

**Art-based Rejections**

The Examiner has rejected all of the outstanding claims based on either 35 USC §102(b) or 35 USC §103(a) using Fearnott, U. S. Patent No. 5,609,629, D1, as a base reference.

D1 apparently does not teach putting a component for reducing infiltration of macrophages in a layer separate from a component for reducing or preventing the formation of thrombi, which applicant's claims, as amended, recite. Therefore, the claim

amendments render the current rejection of certain claims as being anticipated by D1 moot. D1 does not teach every element of the outstanding claims, as amended. Please remove this rejection.

Furthermore, Applicants recite first and second layers and their arrangement in space with the second layer positioned beneath the first. Therefore, D1 does not anticipate the claims for this reason, as well.

With respect to the obviousness-based rejections, the secondary references cited in the final office action apparently do not supply the element missing from D1. Therefore, *prima facie* obviousness has not been made out for the claims rejected on obviousness grounds because any discussion of record fails to discuss the separation of the component for reducing infiltration of macrophages from the component for reducing or preventing the formation of thrombi. Please remove this rejection, as well.

Since a *prima facie* case of obviousness has not been made out for any of the obviousness-rejected claims, as amended, applicant is under no duty to discuss the substance of the current obviousness-based rejections. But applicant traverses each of these rejections and does not acquiesce to them. Furthermore, applicant reserves the right to address the substance of each of these rejections in the future if a duty to do so arises.

Since all claims are in a condition for allowance, please issue a Notice of Allowability so stating. If I can be of any help, please contact me.

Respectfully submitted,



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